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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/580,298	05/19/2006	Mark Anthony Naylor	0108.001	9477
53178	7590	03/22/2007		
KANE & CO., PLC 5 Lyon St. N.W. 210 Commerce Building GRAND RAPIDS, MI 49503			EXAMINER GLUCHOWSKI, KRISTINA R	
			ART UNIT	PAPER NUMBER
			3676	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/22/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/580,298	Applicant(s) NAYLOR, MARK ANTHONY	
	Examiner Kristina R. Gluchowski	Art Unit 3676	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 May 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>5/19/06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the key claimed in claim 2, the cylinder cam claimed in claim 3, the key cam and levers of claim 4, the cam follower of claim 7, the pin claimed in claim 10 and the wedge claimed in claim 13 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

2. Claims 1-35 are objected to because of the following informalities: "Mortice" is misspelled and should be "mortise" throughout the application. Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-4, 7 and 12-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. Regarding claims 1-4, the functional relationship between the different driving mechanisms claimed and the other working parts of the device is unclear. For example, how do the levers of claim 4 activate the contact members? Clarification of all claimed driving members is required.

6. Regarding claim 7, it is unclear what the cam follower is and how the contact member is connected to the lock case through the cam follower. The figures show the contact member fixed to the deadbolt.

7. Regarding claim 12, it is unclear how the contact members are "rotatably movable". The contact members appear to slide in vertical and horizontal directions. They do not rotate.

8. Regarding claim 13, the wedge is not disclosed in a manner that explains the relationship with other working parts. It is unclear how the wedge "effects movement" of the contact member.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claims 1, 3, 5-7, and 9-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Dorrenhaus (DE 2525771). Dorrenhaus has been interpreted from the figures as best understood. A translation of foreign references listed on the Information Disclosure Statement should be provided.

11. Regarding claim 1, Dorrenhaus shows a mortise lock including a deadbolt (4) retained within a lock case (2) and movable between an unlocking position (figure 1) wherein the deadbolt is disposed within the lock case, and a locking position (figure 4) in which it extends outwardly from a fore-end (1) thereof, and a driving mechanism (key cylinder represented in figures) rotatable about an axis transverse to the direction of movement of the deadbolt and having a cam (15) which connects with and moves the deadbolt between said positions, characterized by at least one contact member (10) mounted on and movable with respect to the deadbolt between a first position in which the contact member maintains contact with the driving member to effect a full throw of

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the deadbolt in one direction, and a second position to enable a full throw of the deadbolt in an opposite direction.

12. Regarding claim 3, the driving member is a cylinder cam (key cylinder represented in figures).

13. Regarding claim 5, the lock includes two contact members (10 and 27a) mounted on the deadbolt, one of which maintains contact with the driving member throughout the movement of the deadbolt into the locking position, the other maintaining contact with the driving member throughout the movement of the deadbolt into the unlocking position (see figures 4, 14 and 15).

14. Regarding claim 6, the or each contact member is movable into a position in which it prevents movement of the deadbolt.

15. Regarding claim 7, "as best understood" the or each contact member has a cam follower (20) residing in a track (8) in the lock case, the track being formed to effect movement of the contact member between its first and second positions.

16. Regarding claim 9, the or each contact member is slidably mounted on the deadbolt and has a pin (12) which permits limited vertical movement within a slot (13) in the deadbolt.

17. Regarding claim 10, the lock includes a dummy lever (11), which is adapted to move horizontally within the lock case along with the deadbolt and has a pin (24), which rides in a horizontal track in the lock case.

Regarding claim 11, including a spring (19) located to urge the or each contact member in a downwards direction in relation to the deadbolt during operation of the lock.

Claim Rejections - 35 USC § 103

18. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

19. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

20. Claims 2 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dorrenhaus in view of applicant's disclosed admission. Dorrenhaus fails to show different driving members as claimed in claims 2 and 4 but the applicant discloses on page 1, last paragraph of the specification, "there is usually provided a rotary driving mechanism which may be a key, a key cam or a cylinder which makes contact with the deadbolt to extend and retract it during rotation of the driving mechanism". Each driving member is functionally equivalent (driving a contact member). It would be obvious to one of ordinary skill in the art to replace one driving member with a functionally

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equivalent driving member since both driving members would serve the same purpose without affecting the function of the apparatus.

21. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dorrenhaus. Dorrenhaus discloses the applicant's inventive concept but fails to disclose (in the figures) a deadbolt extension greater than 20mm. It would have been obvious to one having ordinary skill in the art at the time of the invention to assure bolt extension greater than 20mm since it is well known in the art that the more surface area of the bolt engaging a respective striker, the more secure the lock. The longer the extended part of the bolt, the more difficult the lock is to tamper with therefor preventing unauthorized access. Applicant does not give criticality to the "at least 20mm" limitation in the specification and is therefor considered a matter of design choice.

Conclusion

22. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US 2660875, US 6581423 show mortise locks.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kristina R. Gluchowski whose telephone number is 571-272-7376. The examiner can normally be reached on Monday-Friday, 7am-4:30pm, alternating Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on 571-272-6843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

KRG *mm*
March 14, 2007


BRIAN E. GLESSNER
SUPERVISORY PATENT EXAMINER